

To: Albright, David[Albright.David@epa.gov]
From: McWhirter, Lisa
Sent: Tue 3/1/2016 1:22:32 PM
Subject: FW: ACTION NEEDED: New CMS Assignment - Arroyo Grande SDWA Aquifer Exemption 16-000-4869
[16-000-4869.16 02 11 CBD ltr Arroyo Grande AE_process.pdf](#)
[ATT00001.htm](#)

This letter is due by Thursday, March 10. I will draft a letter and can work with you to make sure Region 9 is comfortable with it and then route it through my management.

Thanks,
Lisa

From: Green, Holly
Sent: Tuesday, March 01, 2016 8:14 AM
To: McWhirter, Lisa <McWhirter.Lisa@epa.gov>
Subject: Fwd: ACTION NEEDED: New CMS Assignment - Arroyo Grande SDWA Aquifer Exemption 16-000-4869

Ex. 5 - Deliberative Process

Drinking Water Protection Division

USEPA

(202) 566-0651

Begin forwarded message:

From: "Flaharty, Stephanie" <Flaharty.Stephanie@epa.gov>
Date: March 1, 2016 at 7:54:44 AM EST
To: "Green, Holly" <Green.Holly@epa.gov>
Cc: "Greene, Ashley" <Greene.Ashley@epa.gov>
Subject: FW: ACTION NEEDED: New CMS Assignment - Arroyo Grande SDWA Aquifer Exemption 16-000-4869

Hi Holly, this is a direct response (you, Ron or Anita can sign) due by March 10th. Thanks
Steph

From: Flaharty, Stephanie
Sent: Monday, February 29, 2016 7:57 AM
To: Thompkins, Anita <Thompkins.Anita@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Green, Holly <Green.Holly@epa.gov>
Cc: Grevatt, Peter <grevatt.peter@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Greene, Ashley <Greene.Ashley@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Bruce Kobelski <Kobelski.Bruce@epa.gov>
Subject: ACTION NEEDED: New CMS Assignment - Arroyo Grande SDWA Aquifer Exemption 16-000-4869
Importance: High

Good Morning,

Please note the following excerpt from the attached letter to Joel, Peter and Bruce Kobelski. Re: Arroya Grande Aquifer Exemption

The question is whether this control should be re-assigned to Region 9 (w/HQ input). Please advise.

Thanks,

Steph

“On February 8, 2016 the California Department of Conservation, Division of Oil, Gas

and Geothermal Resources (“DOGGR”) recommended an aquifer exemption for Class II

injection wells in the Arroyo Grande oil field (“AGOF”), operated by Freeport McMoRan

(“FMOG”). Under the Safe Drinking Water Act (“SDWA”), the EPA must approve this

exemption before it is valid.¹ Some aquifer exemptions are subject to formal rulemaking – that

is, notice in the Federal Register and an opportunity for public comment.² The Center for

Biological Diversity (“CBD” or “Center”) writes to request Federal Register publication and

formal notice and comment period, as well as a public hearing, for the AGOF aquifer

exemption.³

Ultimately, DOGGR punts the question of the need for additional data to the US EPA as

the final arbiter in this matter. As such, we urge the EPA to provide formal notice,

the

opportunity for the public to comment, and a public hearing for the proposed AGOF aquifer

exemption not only because it is substantial, but also because it is highly controversial and

complex. Public participation is crucial to ensure that the EPA has full access to the information

needed to adequately determine if the water in the affected aquifer can be put to beneficial use.

Thank you for your consideration.